

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 2/23/2012

Action Requested By:
Projects Management

Agenda Item Type
Resolution

Subject Matter:

Resolution authorizing the Mayor to enter an agreement between Fite Construction Company Inc. and the City of Huntsville for Change Order #3 to the contract for the construction of the Madison County Veterans Memorial.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter an agreement between Fite Construction Company Inc. and the City of Huntsville for Change Order #3 to the contract for the construction of the Madison County Veterans Memorial.

Note: If amendment, please state title and number of the original

Item to be considered for: Select...

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

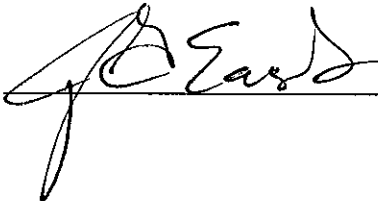
Change Order #3 for Madison County Veterans Memorial

Associated Cost: \$-39,413.00

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: _____



Date: _____

2-7-12

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Projects Management

Council Meeting Date: 2/23/2011

Department Contact: Chris O'Neil

Phone # 256-427-5281

Contract or Agreement: Agreement

Document Name: Resolution authorizing Change Order 3 for Madison County Veterans Memorial

City Obligation Amount: -\$39,413.00

Total Project Budget:

Uncommitted Account Balance:

Account Number: 23-7400-0811-8411

Procurement Agreements

Select...	Select...
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Grant-Funded Agreements

Not Applicable	Grant Name:
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Department	Signature	Date
1) Originating	<i>[Signature]</i>	<i>2/7/12</i>
2) Legal	<i>Mary C. Gates</i>	<i>2-15/12</i>
3) Finance <i>CC</i>	<i>[Signature]</i>	<i>2/15</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (2 copies)		
b. Clerk-Treasurer (Original & 2 copies)		
c. Legal (1 copy)		

RESOLUTION NO. 2012-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Fite Building Company, Inc. for the Construction Services of the Madison County Veterans Memorial located at Monroe Street between Washington and Jefferson Streets, approved and executed by the City of Huntsville, Huntsville, Alabama on the 16th day of December, 2010, be and the same is hereby amended as is reflected on Change Order Number 3 attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be hereby is amended from One Million Nine Hundred Seventy Three Thousand Three Hundred One Dollars No/100s (\$1,973,301.00) to One Million Nine Hundred Thirty Three Thousand Eight Hundred Eighty Eight Dollars and 00/100s (\$1,933,888.00), including this Change Order Number 3 in the amount of Thirty Nine Thousand Four Hundred Thirteen Dollars and 00/100s (-\$39,413.00), said Change Order is substantially in word and figures as attached hereto and identified as "Change Order Number 3" to the contract between City of Huntsville and Fite Building Company, Inc. for the Madison County Veterans Memorial consisting of ten pages (10) together with the signature of the City Council President and an executed copy of said document being permanently kept on file in the office of the City Clerk Treasurer of the City of Huntsville, Alabama.

ADOPTED this the _____ day of _____, 2012.

President of the City Council of
The City of Huntsville, Alabama

ADOPTED this the _____ day of _____, 2012.

Mayor of the City of Huntsville,
Alabama

"EXHIBIT B"

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 3

DATE: 12 January 2012

PROJECT: Madison County Veterans Memorial

TO: Fite Building Company, Inc.

3116 Sexton Road SE / Suite A

Decatur, AL 35603

(Contractor)

TERMS: You are hereby authorized, subject to the provisions of your contract for this project, to make the following changes thereto in accordance with the attached Change Order Request and supporting documents and to

FURNISH the necessary labor, materials and equipment to (See attached for CMRs 28, 29-35 that comprise this Contract Change Order)
(Description of work to be done or changes to be made)

TOTAL ~~ADDITION~~ OR DEDUCTION TO CONTRACT PRICE (NOTE: Numbers in parentheses are deductions).

For this Change \$(39,413.00)

ORIGINAL CONTRACT PRICE

Net total previous Change Orders

Previous revised Contract Price

This Change Order No. 3 ~~ADD~~ (DEDUCT)

Revised Contract Price this date

\$
\$ 1,933,923.00
\$ 39,378.00
\$ 1,973,301.00
\$ -39,413.00
\$ 1,933,888.00

Extension of time resulting from this Change Order 0 days (Indicate no. of calendar days).

The amount of this Change Order will be the responsibility of City of Huntsville, AL.

This contract modification constitutes full and mutual accord and satisfaction for all time and all cost related to this change. By acceptance of this Contract Modification, the Contractor hereby agrees that the modification represents an equitable adjustment to the Contract, and further, agrees to waive all right to file any future claims or changes arising out of or as a result of this change, or the accumulation of executed Contract Modifications on this Contract.

The Contractor and Owner(s) hereby agree to the terms of this Change Order as contained herein.

CONSENT OF SURETY

Western Surety / J. Smith Lanier (agent)
(Company)

By [Signature]
(Authorized Representative)

RECOMMENDED

By [Signature]
(Design Engineer or Architect)

By [Signature]
(COH Facilities Project Manager)

By [Signature]
(Director of General Services)

CONTRACTING PARTIES

Fite Building Company, Inc.
(Contractor)

By [Signature]
(Authorized Representative)

CITY OF HUNTSVILLE, ALABAMA

By _____
(Its Mayor)

By _____
(President of City Council)

Date _____

Madison County Veterans Memorial
Contract Modification Request Index- Change Order #3

CMR #28	Inset 18" tall granite letters into five concrete markers	\$10,403.00
CMR #30	Credit for landscaping revisions as directed by Mike Donnelly	-\$6,000.00
CMR #31	Replace unsuitable soil beneath parking improvements along Monro	\$3,893.00
CMR #32	Field engraving necessitated by additional fund raising	\$2,692.00
CMR #33	Chapman Sisson recognition plaque	\$482.00
CMR #34	Remaining credit for non-engraved brick pavers	-\$56,610.00
CMR #35	Extra time required to take up and replace engraved brick pavers	\$5,727.00

TOTAL **-\$39,413.00**

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Alvin B Bresler, Ryan R McClendon, Jeffrey W Cutshall, Albert Bowen Evans, Keith W Harrelson, Individually

of Birmingham, AL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 10th day of September, 2010.



WESTERN SURETY COMPANY

Paul T. Bruflat, Senior Vice President

State of South Dakota }
County of Minnehaha } ss

On this 10th day of September, 2010, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 13th day of January, 2012.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

"EXHIBIT A"
CONTRACT MODIFICATION REQUEST

DATE: October 7, 2011 NUMBER: 28

PROJECT: Madison County Veterans Memorial
OWNER: City of Huntsville
ARCHITECT: Chapman Sisson Architects
CONTRACTOR: Fite Building Company
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
Inset 18" tall polished black granite letters into the five concrete portal
markers: Courage, Sacrifice, Duty, Patriotism and Citizenship. See
attached Change Request #30 from FBC.

1. INITIATED BY : Chapman Sisson Architects / Veterans Memorial Board
2. OWNERS CLASSIFICATION (Check Appropriate Item) :



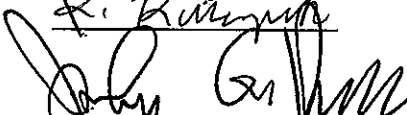
CONTRACT MODIFICATION

 VALUE ENGINEERING OR COST REDUCTION
 X CHANGES IN PROJECT SCOPE OF WORK
 CHANGE ORDER

 UNFORESEEN CONDITIONS
 TECHNICAL COORDINATION

3. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

 X MINOR CHANGE OF A MONETARY VALUE LESS THAN \$15,000
AND NOT REQUIRED FOR COMPETITIVE BIDDING.
 CHANGES FOR MATTER RELATIVELY MINOR AND INCIDENTAL
TO THE ORIGINAL CONTRACT NECESSITATED BY
UNFORESEEABLE CIRCUMSTANCES ARISING DURING THE
COURSE OF THE WORK.
 EMERGENCIES ARISING DURING THE COURSE OF THE
WORK.
 CHANGE ORDER FOR ALTERNATES PROVIDED FOR IN THE
ORIGINAL BIDDING WHERE THERE IS NO DIFFERENCE IN PRICE
OF THE CHANGE ORDER FROM THE ORIGINAL BEST BID ON THE
ALTERNATE
 CHANGE OF RELATIVELY MINOR TERMS NOT CONTEMPLATED
WHEN THE PLANS AND SPECIFICATIONS WERE PREPARED AND
THE PROJECT WAS BID AND WHICH IS IN THE PUBLIC INTEREST
AND DOES NOT EXCEED 10% OF THE CONTRACT PRICE.

4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): \$10,403.00
5. TIME EXTENSION IN CALENDAR DAYS: 0
6. REVIEWED AND RECOMMENDED BY:
 - A. ARCHITECT 
 - B. OWNERS PROJECT REPRESENTATIVE 
7. APPROVED BY :
CONTRACTOR 

"EXHIBIT A"
CONTRACT MODIFICATION REQUEST

DATE: October 10, 2011 NUMBER: 30

PROJECT: Madison County Veterans Memorial
OWNER: City of Huntsville
ARCHITECT: Chapman Sisson Architects
CONTRACTOR: Fite Building Company
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
Credit for landscaping revisions as directed by Mike Donnelly. See
attached Change Request #32 from FBC.

1. INITIATED BY : Chapman Sisson Architects
2. OWNERS CLASSIFICATION (Check Appropriate Item) :

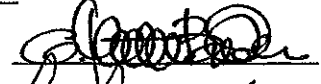
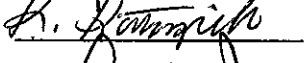
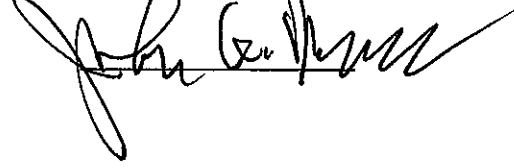
CONTRACT MODIFICATION

☐ VALUE ENGINEERING OR COST REDUCTION
☐ CHANGES IN PROJECT SCOPE OF WORK
☐ CHANGE ORDER

☒ UNFORESEEN CONDITIONS
☐ TECHNICAL COORDINATION

3. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

☒ MINOR CHANGE OF A MONETARY VALUE LESS THAN \$15,000 AND NOT REQUIRED FOR COMPETITIVE BIDDING.
☐ CHANGES FOR MATTER RELATIVELY MINOR AND INCIDENTAL TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEEABLE CIRCUMSTANCES ARISING DURING THE COURSE OF THE WORK.
☐ EMERGENCIES ARISING DURING THE COURSE OF THE WORK.
☐ CHANGE ORDER FOR ALTERNATES PROVIDED FOR IN THE ORIGINAL BIDDING WHERE THERE IS NO DIFFERENCE IN PRICE OF THE CHANGE ORDER FROM THE ORIGINAL BEST BID ON THE ALTERNATE
☐ CHANGE OF RELATIVELY MINOR TERMS NOT CONTEMPLATED WHEN THE PLANS AND SPECIFICATIONS WERE PREPARED AND THE PROJECT WAS BID AND WHICH IS IN THE PUBLIC INTEREST AND DOES NOT EXCEED 10% OF THE CONTRACT PRICE.

4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): -\$6,000.00
5. TIME EXTENSION IN CALENDAR DAYS: 0
6. REVIEWED AND RECOMMENDED BY:
 - A. ARCHITECT 
 - B. OWNERS PROJECT REPRESENTATIVE 
7. APPROVED BY :
CONTRACTOR 

"EXHIBIT A"
CONTRACT MODIFICATION REQUEST

DATE: October 21, 2011 NUMBER: 31

PROJECT: Madison County Veterans Memorial
OWNER: City of Huntsville
ARCHITECT: Chapman Sisson Architects
CONTRACTOR: Fite Building Company
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
Replace unsuitable soil beneath parking improvements along Monroe.
See attached Change Request #33 from FBC.

1. INITIATED BY : Fite Building Company
2. OWNERS CLASSIFICATION (Check Appropriate Item) :

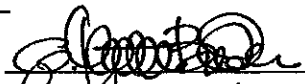

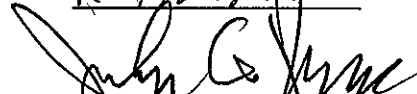
CONTRACT MODIFICATION

☐ VALUE ENGINEERING OR COST REDUCTION
☐ CHANGES IN PROJECT SCOPE OF WORK
☐ CHANGE ORDER

☒ UNFORESEEN CONDITIONS
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4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): \$3,893.00
5. TIME EXTENSION IN CALENDAR DAYS: 0
6. REVIEWED AND RECOMMENDED BY:
A. ARCHITECT 
B. OWNERS PROJECT REPRESENTATIVE 
7. APPROVED BY :
CONTRACTOR 

"EXHIBIT A"
CONTRACT MODIFICATION REQUEST

DATE: December 12, 2011 NUMBER: 32

PROJECT: Madison County Veterans Memorial
OWNER: City of Huntsville
ARCHITECT: Chapman Sisson Architects
CONTRACTOR: Fite Building Company
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
Field engraving necessitated by additional fund raising. See attached
Change Request #34 from FBC dated 12/8/2011.

1. INITIATED BY: Big Spring Partners
2. OWNERS CLASSIFICATION (Check Appropriate Item) :

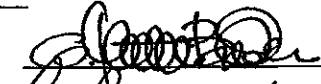
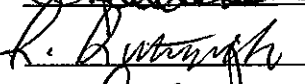
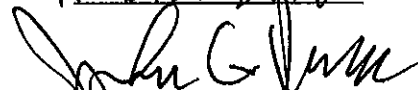
CONTRACT MODIFICATION

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☐ CHANGES IN PROJECT SCOPE OF WORK
☐ CHANGE ORDER

☒ UNFORESEEN CONDITIONS
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4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): \$2,692.00
5. TIME EXTENSION IN CALENDAR DAYS: 0
6. REVIEWED AND RECOMMENDED BY:
A. ARCHITECT 
B. OWNERS PROJECT REPRESENTATIVE 
7. APPROVED BY :
CONTRACTOR 

"EXHIBIT A"
CONTRACT MODIFICATION REQUEST

DATE: December 12, 2011 NUMBER: 33

PROJECT: Madison County Veterans Memorial
OWNER: City of Huntsville
ARCHITECT: Chapman Sisson Architects
CONTRACTOR: Fite Building Company
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
Chapman Sisson recognition plaque. See attached Change Request
#35 from FBC dated 12/8/2011.

1. INITIATED BY : Madison County Veterans Memorial Board
2. OWNERS CLASSIFICATION (Check Appropriate Item) :


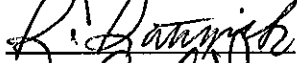
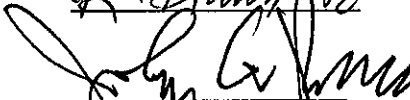
CONTRACT MODIFICATION

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4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): \$482.00
5. TIME EXTENSION IN CALENDAR DAYS: 0
6. REVIEWED AND RECOMMENDED BY:
 - A. ARCHITECT 
 - B. OWNERS PROJECT REPRESENTATIVE 
7. APPROVED BY :
CONTRACTOR 

"EXHIBIT A"
CONTRACT MODIFICATION REQUEST

DATE: December 12, 2011 NUMBER: 34

PROJECT: Madison County Veterans Memorial
OWNER: City of Huntsville
ARCHITECT: Chapman Sisson Architects
CONTRACTOR: Fite Building Company
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
Remaining credit for non-engraved brick pavers. See attached
Change Request #36 from FBC dated 12/8/2011.


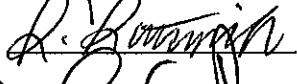
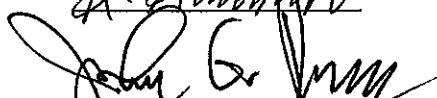
1. INITIATED BY : Madison County Veterans Memorial Board
2. OWNERS CLASSIFICATION (Check Appropriate Item) :

CONTRACT MODIFICATION

☒ VALUE ENGINEERING OR COST REDUCTION
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4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): -\$56,610.00
5. TIME EXTENSION IN CALENDAR DAYS: 0
6. REVIEWED AND RECOMMENDED BY:
 - A. ARCHITECT 
 - B. OWNERS PROJECT REPRESENTATIVE 
7. APPROVED BY :
CONTRACTOR 

"EXHIBIT A"
CONTRACT MODIFICATION REQUEST

DATE: January 5, 2012 NUMBER: 35

PROJECT: Madison County Veterans Memorial
OWNER: City of Huntsville
ARCHITECT: Chapman Sisson Architects
CONTRACTOR: Fite Building Company
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
Extra time required to take up and replace the engraved brick pavers.
See attached Change Request #37 from FBC dated 1/4/2012.

1. INITIATED BY : Big Spring Partners
2. OWNERS CLASSIFICATION (Check Appropriate Item) :


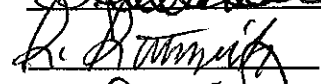
CONTRACT MODIFICATION

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☐ CHANGES IN PROJECT SCOPE OF WORK
☐ CHANGE ORDER

☐ UNFORESEEN CONDITIONS
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4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): \$5,727.00
5. TIME EXTENSION IN CALENDAR DAYS: 0
6. REVIEWED AND RECOMMENDED BY:
A. ARCHITECT 
B. OWNERS PROJECT REPRESENTATIVE 
7. APPROVED BY :
CONTRACTOR 